

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN PAUL JOHNSON,
Plaintiff,

v.

CITY OF SANTA ROSA, et al.,
Defendants.

Case No. 23-cv-02478-JSC

**ORDER RE: JURY INSTRUCTIONS
ON COMPARATIVE FAULT**

Before the Court are the parties' proposed jury instructions and verdict forms. (Dkt. Nos. 92, 93, 96, 97, 98.) With regards to Plaintiff's Count IV for negligence, Defendants' proposed verdict form twice asks the question:

"What percentage of the plaintiff's harm do you assign to the following:

Plaintiff John Paul Johnson ____%

Defendant Christopher O'Neill ____%"

(Dkt. No. 92 at 3, 5.) The Court's understands these questions relate to Defendants' affirmative defenses that Plaintiff's damages award should be reduced based on his percentage of fault. (*See, e.g.,* Dkt. No. 34 ¶¶ 81-86.) Defendants, however, did not submit proposed jury instructions regarding this defense or raise this defense in their trial brief.

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Accordingly, the Court ORDERS the parties to meet and confer regarding jury instructions on comparative fault. If Defendants intend for the jury to reach a verdict on comparative fault if they find for Plaintiff, then Defendants shall file proposed jury instructions by noon on Wednesday, January 7, 2026. If Defendants do not so desire, then Defendants shall file a response to this Order, by the same deadline, stating they withdraw questions 10 and 22 on their proposed

verdict form and inform Plaintiff of the same.

IT IS SO ORDERED.

Dated: January 6, 2026


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California